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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,485	11/09/2001	Don Slaunwhite	GSH 08-892799	1157
27667	7590	02/25/2005	EXAMINER	
HAYES, SOLOWAY P.C. 130 W. CUSHING STREET TUCSON, AZ 85701			BAYERL, RAYMOND J	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,485

Applicant(s)

SLAUNWHITE ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 9, 11 - 17, 19, 21, 23 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 7 - 9, 11 - 12, 16 - 17, 19, 21 is/are rejected.
- 7) ☒ Claim(s) 4 - 6, 13 - 15, 23 - 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 19, 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These claims to a data processing-related invention do not meet any of the four statutory classes of invention: process, machine, manufacture or composition of matter.

Specifically, claim 19 recites “[e]lectronic signals for use in the execution of a computer of a method for...”, followed by a number of steps that could potentially involve such physical components as “a user input unit of the computer”. However, the “signals” remain, simply, “signals”, and the claims are therefore merely directed to the information content of those “signals”. While this information might eventually be used to control a computer, the “signals” themselves do not qualify under the 4 statutory classes, and do not have read into them the characteristics of a “real world” computing device.

Claim 21 recites a “computer program product for use in the execution in a computer of a method for...”, with nothing more than a series of “module” components that might direct the operation of a computer. In this instance, the “computer program” does not incorporate anything into its own structure beyond function-oriented information, and as in claim 19, the “real world” components such as “a user input unit” do not form an actual part of the claimed invention, since they are merely devices that **might** be affected when the “computer program” is executed. Thus, these claims are

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merely directed to a computer program *per se*, and this also does not conform to PTO guidelines in interpretation of 35 USC 101 statutory subject matter.

3. Claims 1 – 3, 7 – 9, 11 – 12, 16 – 17, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tervo (“Tervo”; US #2002/0036620 A1) in view of Samsung Electronics Co. Ltd. (“Samsung”; EP #1 107 544 A2).

As per independent claim 1’s “shortcut key manager for managing shortcut key assignment”, Tervo’s ACCESSING SCREEN FIELDS, FUNCTIONS AND PROGRAMS is also shown as USING A SIMPLE SINGLE KEY STROKE. As an example, a user by selecting a single keystroke may automatically place the cursor in a desired field on an active screen or execute another function or screen (Abstract). In developing Keystroke Database 20 (figs 1, 2; paragraphs 0022 – 0024), Tervo teaches that “a non-command user interface item type” is identified: depending upon which screen is active at the particular moment, the specific keystrokes access categories in several instances of functions or fields that use the character entered after the ALT key. In fig 2, ALT C, for example, the various “C” items Company Name, Client Add, CampaignManager, or Client are variously mapped. Thus, when “a shortcut key handler” is used in Tervo, the identification of “an instance of the non-command user interface item” belonging to an identified “type” will result in “presenting an instance” of that “user interface item”, as when a field gains focus and is so displayed. By doing this, a Tervo user can quickly and simply position the cursor on a screen, change screens, and execute functions (paragraph 0021).

Tervo, while identically disclosing keystroke mapping to groups of related functions for different interface screens, does not **explicitly** teach the initial “assignment” tools that are a part of claim 1: the “item receiver”, “key receiver” and “assignment handler”, though such are indirectly suggested in the existence of Tervo keystroke assignment as it is used.

However, Samsung’s Method of defining soft-keys for user selection of desired functions provides for defining the hot keys used to immediately initiate desired functions by the user (Abstract). Specifically, Samsung teaches displaying a plurality of main menu items, sub-menu items, and displaying the keys used for the hot keys, and selecting one of the key as a hot key assigned to the at least one sub-menu (see also paragraphs 0005, 0012 – 0016).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to provide a Samsung-style selection interface to associate Tervo’s categorized keystrokes with their contextual screen operations, the motivation being to allow better user customization of the interface and a straightforward set-up procedure for the Tervo Keystroke Database.

As per claim 2’s “setting a user control focus to the non-command user interface item” (see also claim 11), it has already been noted that Tervo can position the cursor on a screen, and thus direct focus. Since fields may be accessed in Tervo, Tervo “sets a keyboard focus” (claims 3, 12) as well.

As in the example of ALT C, Tervo further shows that “the shortcut key comprises one or more key strokes” (claims 7, 16), and prior to invocation of the

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interactive focus placement, Tervo's "non-command item is not visual when it is not selected" (claim 8), since not having focus results in lower "visual" prominence.

Independent claim 9 is similar to independent claim 1 and is rejected using Tervo in view of Samsung using a similar line of reasoning. The overall "managing" of "shortcut key assignment" between an "item" and "a key" is suggested by the combination of Tervo's keystrokes, when set by a Samsung-style originating interface. When "user input of the shortcut key" is received, as noted above, Tervo responds by "presenting an instance of the non-command user interface item" by placing focus on a "non-command" item such as a field.

Independent claims 17, 19, 21 are rejected using a line of reasoning similar to that applied above in the rejection of claim 9.

4. Claims 4 – 6, 13 – 15, 23 – 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Upon reconsideration of the instant application as amended in the response of 2 December 2004, the Examiner deems that "controlling display of a window with an instance of the non-command user interface item" (claims 4, 13) or "controlling display of a small pop-up window to display the instance of the non-command user interface item" (claims 23, 25) define patentably over the prior art of record. The best prior art is Tervo, in which an "instance" *per se* is presented, but not within a separate window or pop-up. While invoking selections in the Tervo interface might open secondary

windows, as is the style of the typical windowing interface, these windows are not used to present the "non-command user interface item".

5. Applicant's arguments filed 2 December 2004 have been fully considered but they are not fully persuasive.

Concerning the 35 USC 101 rejection of claims 19, 21, it is not enough, as applicant believes at page 7, paragraph 2, that they "have been amended to specify that an item identification, a key identifier..." are now part of the claim bodies. These are merely potential devices that the "electronic signals" or "computer program" might affect, but cannot be read in to the actual structure of the respective "signals" or "program".

Applicant then argues at page 8, paragraph 2 that "Tervo does not disclose presenting a non-command user interface item to the user when the user uses a shortcut key assigned for a desired non-command user interface item", since "Tervo's cursor positioning is performed on fields on the screen that is currently active", and "the fields are already on the active screen". However, in moving focus to a mapped-to field location, the display is caused to "present" the focus-granted item in a visually enhanced mode (i.e., with the cursor at that position). Thus, "presenting an instance" as claimed **does** occur in Tervo.

At page 10, paragraph 2, applicant notes that "Tervo also discloses the activation of a function when its associated keystroke is used", and this supposedly creates a distinction over "a non-command user interface item", since this "does not invoke an action when selected, but typically will set the keyboard focus on the control itself". However, such focus relocation is identically disclosed in the field selection made

possible in Tervo, even if some of Tervo's keystrokes might also be mapped to commands. This is enough to read upon the claims.

In arguing that "Samsung only describes the assignment of hot keys to command items," and not "non-command items" (page 11, paragraph 2), applicant neglects the overall combination with Tervo, who **does** allow such keystroke mapping. Applicant would appear in this argument to be attacking references one at a time, while the rejection is based upon Tervo in view of Samsung.


Regarding claims 7, 8, 16, applicant argues (page 12, paragraph 3) that in Tervo, "the field of interest is visible on an active window", in supposed contrast to the claimed invention, in which the "non-command item is not visual when it is not selected". However, "visual" can be reasonably interpreted as meaning that heightened state of visibility accorded to a Tervo field that has focus, where it hadn't previously.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - F from 9:00 AM to 4:00 PM ET.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.
9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

23 February 2005